

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

GW GRUNDBESITZ AG,
Plaintiff,
v.
LEZLIE GUNN,
Defendant.

Case No. 2:21-cv-02074-CDS-NJK

Order

[Docket No. 23]

Pending before the Court is the parties' stipulation to extend the discovery cut-off date by three months. Docket No. 23. The parties submit that this extension is necessary to conduct a deposition in Switzerland, which requires a six-week approval process, as well as respond to already-propounded written discovery. *Id.* at 2.

14 A request to extend discovery deadlines must include a statement specifying the discovery
15 completed, a specific description of the discovery that remains, the reasons why the subject
16 deadline cannot be met, and a proposed schedule for completing the outstanding discovery. Local
17 Rule 26-3. The request must also be supported by a showing of good cause. *Id.* If the request is
18 being made after the expiration of a subject deadline, a showing of excusable neglect is also
19 required. *Id.* The good cause analysis turns on whether the subject deadlines cannot reasonably
20 be met despite the exercise of diligence. *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604,
21 609 (9th Cir. 1992). This showing of diligence is measured by the movant's conduct throughout
22 the entire period of time already allowed. *CC.Mexicano.US, LLC v. Aero II Aviation, Inc.*, 2015
23 U.S. Dist. LEXIS 169110, at *11-12 (D. Nev. Dec. 15, 2015). If diligence is not established, the
24 Court's inquiry should end. *Johnson*, 975 F.2d at 609 (internal citation omitted.).

25 The Court finds that the parties have not been diligent in conducting discovery. The
26 Court's scheduling order issued on March 16, 2022. Docket No. 19. The parties submit that no
27 discovery was conducted until June 3, 2022, and provide no explanation for this lack of diligence.
28 Docket No. 23 at 2. However, due to the importance of the remaining discovery and as a one-time

1 courtesy in the interest of having this case decided on its merits, the Court **GRANTS** the parties'
2 request.¹ The discovery deadlines are **EXTENDED** as follows:

- Discovery cut-off: October 31, 2022
- Dispositive motions: November 30, 2022
- Joint pre-trial order: December 30, 2022, 30 days after the resolution of dispositive motions, or further Court order.

NO FURTHER EXTENSIONS WILL BE GRANTED.

IT IS SO ORDERED.

Dated: July 1, 2022

~~NANCY J. KOPPE
UNITED STATES MAGISTRATE JUDGE~~

¹ To be clear, the parties should already have responded to all previously propounded written discovery. The failure to do so demonstrates a lack of diligence. Nonetheless, in an effort to resolve this case on its merits, the Court is allowing the continuance for the deposition in Switzerland, the parties to respond to previously propounded written discovery, and any responses from third parties. The Court is specifically DENYING the request as to any “discovery that may be needed after Defendant files her Answer to the Complaint and is deposed.” Docket No. 23 at 3.